

REMARKS

Present Status of Application

The Examiner is thanked for entering Applicant's previous amendments and the indication that the amendments have overcome the 112 2nd paragraph rejections of claims 23 and 32 and the 102 rejections of claims 1, 6, and 7. According to the Advisory Action, claims 1, 3-20, 24-29, and 33-38 are allowed and claims 23 and 32 contain allowable subject matter. However, claims 21, 22, 30, and 31 continue to be rejected. Applicant submits this amendment, in connection with an RCE application, to place all claims in condition for allowance. Specifically, Applicant amends independent claim 21 herein to include the feature of "calculating a target value," which feature the Advisory Action indicated would patently define over the cited art.

Claim Rejections

Claims 21, 22, 30, and 31 continue to be rejected under 35 USC §102(b) as allegedly anticipated by Edstorm et al [US Pat 5,233,533] (Edstorm).

Claims 21 and 22 continue to be rejected under 35 USC §102(b) as allegedly anticipated by Lin [US Pat 6,434,443] (Lin).

Applicant respectfully requests reconsideration for at least the following reasons.

Claims 21-22

Independent claim 21 has been rejected under 35 USC §102(b) as allegedly anticipated by both Edstorm and Lin. Applicants disagree.

In this regard, claim 21 recites:

21. A method of control factor management for a work-in-process (WIP) in a production system, comprising the steps of:
determining a control factor for the WIP;
calculating a target value of the control factor for the WIP;
detecting a current value of the control factor for the WIP in the production system; and
adjusting the control factor according to the current value of the control factor, the target value of the control factor, and a priority of the WIP.

(*Emphasis added.*) Applicants respectfully submit that claim 21 defines over the cited art for at least the reason that the cited art fails to disclose the features emphasized above.

In Applicant's previous response, Applicant noted, among other distinctions, that the "target value" was a calculated value. The Advisory Action, however, maintained the rejection by saying that "there is no claimed ... 'calculations' as argued..." In response, Applicant has amended independent claim 21 to specify that the target value is generated or produced from a calculation. Specifically, the claim is amended to specify "calculating a target value." Therefore, for the reasons previously argued, and the comments implied in the Advisory Action, independent claim 21 is now in condition for allowance. As claim 22 depends from claim 21, claim 22 patently defines over the cited art for at least the same reasons.

Claims 30-31

With regard to independent claim 30, this claim recites:

30. A storage medium storing a computer program which when executed causes a computer to perform a method of control factor management for a work-in-process (WIP) in a production system comprising the steps of:
determining a control factor for the WIP;
calculating a target value of the control factor for the WIP;
detecting a current value of the control factor for the WIP in the production system; and
adjusting the control factor according to the current value of the control factor, the target value of the control factor, and a priority of the WIP.

(*Emphasis added.*) Applicants respectfully submit that claim 30 defines over the cited art for at least the reason that the cited art fails to disclose the features emphasized above.

Applicant notes that claim 30 does expressly claim the calculation of a target value. Therefore, the comment in the Advisory Action that "there is no claimed ... 'calculations' as argued" is not accurate with respect to claim 30. For at least this reason, in addition to the reasons previously advanced, claim 30 patently defines over the cited art. Likewise, dependent claim 31 patently defines over the cited art for at least the same reasons.

CONCLUSION

In view of the foregoing, it is believed that all pending claims are in proper condition for allowance. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

A credit card authorization is provided herewith to cover the filing fee for this RCE application. No additional fee is believed to be due in connection with this Amendment and Response to FINAL Office Action. If, however, any fee is believed to be due, you are hereby authorized to charge any such fee to deposit account No. 20-0778.

Respectfully submitted,

By:


Daniel R. McClure
Registration No. 38,962

Thomas, Kayden, Horstemeyer & Risley, LLP
100 Galleria Pkwy, NW
Suite 1750
Atlanta, GA 30339
770-933-9500